

United States District Court
NORTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA

v.

Cody Ray Simmons

CRIMINAL COMPLAINT

Case Number: 1:22-MJ-353

FILED IN CHAMBERS**U.S.D.C. ATLANTA**Date: May 05 2022**KEVIN P. WEIMER**, ClerkBy: /s/ Alice Ward
Deputy Clerk

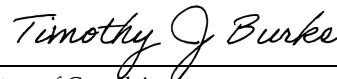
I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about October 8, 2020 in Fulton County, in the Northern District of Georgia, the defendant did, move and travel in interstate and foreign commerce, between the State of Georgia and the country of Mexico, to avoid prosecution for felony murder, which is a felony under the laws of the State of Georgia,

in violation of Title 18, United States Code, Section 1073.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes



Signature of Complainant

Timothy J. Burke

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to me by telephone pursuant to Federal Rule of Criminal Procedure 4.1.

May 5, 2022

Date

at Atlanta, Georgia

City and State

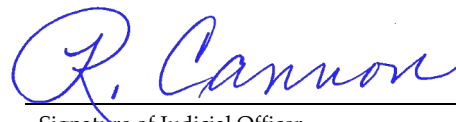
REGINA D. CANNON

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

AUSA Katherine I. Terry /

katie.terry@usdoj.gov



Signature of Judicial Officer

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A COMPLAINT**

I, Timothy J. Burke, depose and say under penalty of perjury:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (“SA”) with the United States Department of Justice, Federal Bureau of Investigation (FBI) and have been so employed since 2009. I am currently assigned to the Atlanta, Georgia office and work on the Violent Crimes/Major Offenders Squad, which has the responsibility of investigating Unlawful flight to Avoid Prosecution. I am an “investigative or law enforcement officer of the United States” within the meaning of 18 U.S.C. § 2510(7). Therefore, I am empowered to conduct investigations of and to make arrests for offenses enumerated in 18 U.S.C. § 2516.

2. During my tenure as an FBI SA, I have received training on violations of the federal laws, including laws regarding unlawful flight to avoid prosecution, including investigating such violations by talking with confidential informants and receiving information from public tip-lines.

3. The facts contained in this affidavit come from my personal observations, FBI and APD records/documents, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show that there is sufficient probable cause for the requested complaint and does not set forth all my knowledge about this matter.

4. Based on the facts below, there is probable cause to believe that **Cody Ray SIMMONS** has committed violations of Title 18, United States Code, Section 1073

(unlawful flight to avoid prosecution), in that he has moved and traveled in interstate and foreign commerce with the intent to avoid prosecution for a crime which is a felony under the laws of the place from which he fled.

PROBABLE CAUSE

5. On April 26, 2022, Investigator Mason Mercure with the Atlanta Police Department Fugitive Unit contacted the Atlanta FBI Fugitive Unit. He informed FBI agents that on October 30, 2020, an arrest warrant was issued by the Fulton County, Georgia Magistrate Court charging Cody Ray SIMMONS with felony murder, in violation of Georgia State law, O.C.G.A. § 16-5-1. This is a felony crime under the laws of Georgia.

6. APD officers have been searching for SIMMONS since the issuance of the warrant in an attempt to serve the warrant for his arrest but have been thus far unable to locate him. Crimestoppers, a tip line associated with APD, received three separate tips that SIMMONS had left the Northern District of Georgia and gone to Mexico. The first tip, left on the line on July 23, 2021, said that SIMMONS was staying in Cempoala, in Veracruz, Mexico.

7. A second tip, left on the line on August 17, 2021, said that Simmons was in Veracruz, Mexico, and specifically staying in the area of Ursulo Galvan, in the Colonia Pueblo De Hornitos. The tipster stated the building Simmons was staying in was in close proximity to a Catholic Church located off of main street. The tipster also stated that Simmons was working as a welder with one other individual.

8. The third tip, left on the line on September 22, 2021, said Simmons was staying in Veracruz, Mexico. Tipster stated that his girlfriend, Charity Young, may be with him. Tipster advised that an individual from Walton County, Georgia named William Tucker sent Young money via Money Gram to give to SIMMONS. During the investigation, agents have learned that Young is a known girlfriend of SIMMONS and she is currently a fugitive from justice pursuant to a warrant out of Walton County, Georgia.

9. On April 25, 2022, a Tipster contacted APD. The Tipster provided APD with a photograph of a Mexican voter identification card in the name of “Abel Castel Ramirez.” The photograph in the Mexican ID card was of SIMMONS.

CONCLUSION

10. Based on the foregoing, I respectfully submit there is probable cause to believe that Cody Ray SIMMONS moved and traveled in interstate and foreign commerce, that is, from the State of Georgia to the country of Mexico, to avoid prosecution for felony murder under the laws of the State of Georgia, in violation of Title 18, United States Code, Section 1073 (unlawful flight to avoid prosecution).

END OF AFFIDAVIT